

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JASON HADDOX,

Petitioner,

v.

CIVIL ACTION NO. 2:20-cv-00301
(Criminal No. 2:18-cr-00129-02)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

On April 24, 2020, the Petitioner' proceeding *pro se*, filed a motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence (Document 130). By *Standing Order* (Document 131) entered on May 6, 2020, the matter was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On February 3, 2022, the Magistrate Judge entered an *Order* (Document 155) directing the Petitioner to file an amended Section 2255 motion specifically setting forth facts in support of the relief requested. The Petitioner's amended Section 2255 motion (Document 156) was filed on March 7, 2022.

On April 4, 2023, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 184) wherein it is recommended that this Court dismiss the Petitioner's § 2555 motion and amended § 2555 motion (Documents 130 & 156) and remove this

matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by April 21, 2023.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's § 2555 motion and amended § 2555 motion (Documents 130 & 156) be **DISMISSED** and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: April 26, 2023



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA